

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

Tia Pettigrew,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action No. 1-23-cv-01192-STA-atc
)	
MARTIN J. O'MALLEY,)	
Commissioner,)	
Social Security Administration,)	
)	
Defendant.)	

ORDER GRANTING MOTION FOR ATTORNEY FEES

Plaintiff has filed a motion for attorney fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412. (ECF No. 23.) The Government has filed a response (ECF No. 26) stating that the parties have consented to an award of \$4,500.00. This stipulation constitutes a compromise settlement of Plaintiff's request for attorney fees under the EAJA and does not constitute an admission of liability on the part of the Commissioner under the EAJA. Nor is this agreement intended to set a precedent for future cases in any manner.

Through her attorney, Plaintiff has indicated that she is not worth more than \$2 million. *See* 28 U.S.C. § 2412(d)(2)(B) (a "party," for purposes of the EAJA, must be worth less than \$2 million). Plaintiff has submitted a representation agreement with her lawyer stating that the EAJA fee shall accrue to her lawyer. Based on the agreement, Defendant will make the fee payable to counsel's employer, West Tennessee Legal Services, provided Plaintiff does not owe a debt to the government. But if Plaintiff owes a federal debt, the assignment will not preclude the United States

Department of Treasury from making the entire EAJA fee payable to Plaintiff and then using the EAJA fee as an offset to the debt. *See* 31 C.F.R. § 285.5(e)(6)(ii); *Astrue v. Ratliff*, 560 U.S. 586 (2010) (stating that the attorney fee award “is payable to the litigant and is therefore subject to an offset to satisfy the litigant’s pre-existing debt to the Government”).

Based on the statements of the parties and a review of the entire record, the Court finds that the motion should be **GRANTED** and orders payment of EAJA fees in the amount of \$4,500.00 payable to Beth S. Bates’s employer, West Tennessee Legal Services unless Plaintiff owes a federal debt.

IT IS SO ORDERED.

s/ S. Thomas Anderson
S. Thomas Anderson
United States District Judge

Date: April 29, 2024